

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Herbert Demond York,) C/A No. 1:16-cv-3972-DCC
vs.)
Plaintiff,)
)
vs.) ORDER
Ofc. T. Starks, Ofc. Lovine, Major Jackson, Juan)
Estrada,)
)
Defendants.)

This matter is before the Court on Plaintiff's Complaint alleging violations of civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. Defendants filed a Motion to Compel and for Sanctions on August 11, 2017. ECF No. 67. Plaintiff did not file a response to the Motion. Defendants also filed a Motion for Summary Judgment on September 1, 2017. ECF No. 68. A *Roseboro* order was entered by the Court and mailed to Plaintiff, advising Plaintiff of the importance of a dispositive motion and the need for Plaintiff to file an adequate response. ECF No. 69. Plaintiff filed a Response in Opposition to the Motion for Summary Judgment. ECF No. 72. These Motions are now ripe for resolution.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On December 15, 2017, the Magistrate Judge issued a Report recommending that the Motion for Summary Judgment and the Motion to Compel and for Sanctions be granted. ECF No. 91. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Motion for Summary Judgment be granted. Accordingly, the Court adopts the Report by reference in this Order with respect to its discussion of the Motion for Summary Judgment. Because the Motion for Summary Judgement is GRANTED, the undersigned finds the Motion to Compel and for Sanctions is MOOT.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

January 22, 2018
Spartanburg, South Carolina